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August 14, 2016

Hon. William H. Pauley III  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Securities and Exchange Commission v. Devon Archer, et. al.  
16 Cr. 3505 (WHP)

Dear Judge Pauley:

I am a named defendant in this case and in the parallel criminal action, *United States v. Galanis*, 16 Cr. 371 (RA), filed by the United States Attorney's office for the Southern District of New York.

All declarations made by me herein are made under the penalties of perjury.

I submit this letter motion seeking a complete stay in these proceedings and I join in the motion previously filed by Michelle Morton in this action seeking the same relief.

I am also seeking permission to be excused from appearing at a conference before Your Honor, currently scheduled for August 18, 2016.

**I. Motion for a Stay on this Case.**

By this letter motion, I respectfully request that this Court issue an Order staying all proceedings in this action, including the requirement to answer this Complaint, until the resolution of the parallel criminal case, 16 Cr. 371 (RA).

I am an unrepresented defendant in the instant case pending before this Court and I do not have the funds to retain an attorney to represent me in this matter. I have already been provided with Court appointed CJA counsel in the parallel criminal proceeding. In that proceeding, Joseph A. Grob, Esq. has been appointed to represent me. Mr. Grob's contact information is Joseph A. Grob, P.C., 345 Seventh Avenue, 21<sup>st</sup> Floor, New York, NY, 10001.

I understand that the Government has intervened in this matter and has been granted a partial stay of discovery so as to prevent discovery of the statements of its witnesses before those statements would need to be disclosed in the criminal case.

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Joseph A. Grob, my attorney in the parallel criminal case has advised me to assert my Fifth Amendment privilege against self-incrimination in answering this civil action. It is my understanding that should I answer the complaint by asserting my Fifth Amendment right to remain silent, I would be subject to an adverse inference being drawn against me, which may impact on my ability to defend this case.

Since I do not have counsel to represent me in this matter, I am asking this Court to stay these proceedings until the resolution of the criminal case. From what I am told, it appears unlikely that this case will proceed to a conclusion before the parallel criminal case is resolved, therefore I do not believe that anyone would be prejudiced by staying these proceedings completely pending a resolution of the criminal matter.

In light of the above, I request a full stay of these proceedings.

**II. Motion to be Excused from Appearing at the August 18, 2016, Conference.**

All of the statements above are hereby incorporated herein.

As noted above, in addition to this case, I am also a defendant in the parallel criminal case of *United States v. Galanis*, 16 Cr. 371 (RA). In that case, I am at liberty on a bond that requires me to be on home confinement with location monitoring. I currently reside at 105 Waldorf, Irvine, CA 92612. My cell phone number is: 310 383 3231.

As noted above, I have court appointed counsel in *United States v. Galanis*, because I do not have the funds for an attorney and I have very limited funds available for me to live on. It would be a financial hardship for me to travel to New York at this time to appear for a conference in this matter. Further, based upon the advice of my criminal counsel, I will be asserting the Fifth Amendment privilege with regard to any answer I am submitting and I will be asserting the Fifth Amendment privilege with respect to any discovery requests. Instead of appearing, perhaps I can simply be furnished with copies of any transcripts of any conference. My CJA attorney, Mr. Grob, asked the SEC if I could be excused and they responded that they had no objection to me appearing by telephone. I am afraid to appear by telephone without counsel as I am a defendant in the criminal case and I don't want to prejudice myself and say something that could be construed against me.

For these reasons, I am requesting permission not to appear on August 18, 2016 and be provided with a transcript of the proceedings or a letter from plaintiff's counsel advising me as to what took place.

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Thank you in advance for your consideration in this matter.

I declare the above to be true under the penalties of perjury.

Respectfully,

A handwritten signature in blue ink, appearing to read "High Dunkerley", written over the word "Respectfully,".

High Dunkerley

cc: Tejal D. Shah and Nancy Brown for the S.E.C. (By e-mail)  
AUSA Brian Blais (By e-mail)  
All defense counsel on the criminal action (By e-mail)  
All defense counsel on the civil action (By e-mail)  
Ms. Michelle Morton (By e-mail)